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Agenda Item #7a –

**Municipal Service Review and
Sphere of Influence Update for
Harbors, Beaches, and Parks
County Service Area 26 (MSR 05-
62 & SOI 05-63)**



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Water District

JOYCE CROSTHWAITE
Executive Officer

DATE: February 8, 2006

TO: Local Agency Formation Commission

FROM: Executive Officer
Communications Analyst

SUBJECT: Proposed Municipal Service Review & Sphere of Influence
Review for Harbors, Beaches, and Parks County Service
Area 26 (MSR 05-62 & SOI 05-63)

INTRODUCTION

The attached report includes the municipal service review (MSR) and sphere of influence (SOI) review for Harbors, Beaches, and Parks County Service Area 26. HBP CSA 26 is a funding mechanism for the the Harbors, Beaches, and Parks division of Orange County's Resources and Development Management Department ("RDMD"). Through the CSA, the County is able to levy a countywide tax specifically for its park and recreation services. HBP CSA 26's service territory and sphere of influence boundaries are coterminous with the County of Orange.

MUNICIPAL SERVICE REVIEW (MSR)

LAFCOs are required by statute (Government Code Section 56430) to conduct MSRs as a way to assist agencies and residents by: (1) evaluating existing municipal services, and (2) identifying any future constraints or challenges that may impact service delivery in the next 15 to 20 years.

Staff did not identify any significant issues for the Harbors, Beaches, and Parks County Service Area 26. Based on its analysis of HBP CSA 26's structure and service provision, LAFCO staff concurred with RDMD/ Harbors, Beaches, and Parks and identified funding as the HBP CSA 26's most critical challenge, particularly as it pertains to ongoing capital improvement projects and the maintenance of HBP's existing facilities and infrastructure. HBP CSA 26's operating expenses very closely equal its annual revenues and, as such, HBP must primarily rely on one-time grants, bond revenues, or allocations from the County General Fund for capital improvement projects. HBP has scaled back its capital development programs and largely concentrated on extending the useful life of its existing facilities and infrastructure, much of which was constructed in the 1970s.

RDMD/ Harbors, Beaches, and Parks recognizes its fiscal constraints and has implemented several cost avoidance measures in recent years, including initiatives that shifted funding responsibilities for non-core business facilities (i.e., those of local rather than regional significance) to other public agencies. Further, HBP has implemented new technology and management practices and creatively leverages privatization, partnering, sponsorship, and volunteerism to conserve revenue.

Staff recommends that the Commission receive and file the MSR-SOI report (Attachment A) and adopt the MSR determinations (Attachment B).

SPHERE OF INFLUENCE REVIEW (SOI)

In accordance with Government Code Sections 56425 and 56430, LAFCO is required to complete sphere of influence (SOI) reviews in conjunction with municipal service reviews for each city and special district once every five years. An SOI is a long-range planning tool that guides future LAFCO decisions on individual jurisdictional boundary changes, incorporation proposals, district formation, and proposals for consolidation, merger, or formation of subsidiary districts.

Harbors, Beaches, and Parks County Service Area 26's sphere of influence and service territory are coterminous with the county's boundaries. The Commission first established the HBP CSA 26's sphere of influence on January 18, 1990, and the sphere has not been comprehensively reviewed since its inception.

Staff recommends that the Commission re-affirm the Harbors, Beaches, and Parks County Service Area 26's current sphere of influence and asks the Commission receive and file the MSR-SOI report (Attachment A), adopt the SOI statement of determinations (Attachment C), and reaffirm the HBP CSA 26's sphere of influence by adopting resolution SOI 05-63 (Attachment H).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Municipal Service Review

Municipal service reviews (MSR) are subject to the California Environmental Quality Act (CEQA) and LAFCO is the lead agency. The MSR proposal is considered Categorically Exempt from CEQA pursuant to section 15306 of the CEQA guidelines. This section exempts basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource. This type of exemption may be used strictly for information gathering purposes, or as part of a study leading to an action that a public agency (in this case LAFCO) has not yet approved, adopted, or funded. The information gathered for the municipal service review will not have an effect upon an environmental resource. (See Attachment D, Notice of Exemption for the HBP CSA 26 MSR.)

Sphere of Influence Review

LAFCO is the lead agency under CEQA for sphere of influence reviews. Staff, in conjunction with legal counsel, reviewed the CEQA guidelines and recommends that the Commission consider the sphere of influence update for Harbors, Beaches, and Parks County Service Area 26 exempt from CEQA under CEQA Local Guidelines 3.01: the sphere review is not an enactment and, therefore, not a project within the definition of “project” contained in CEQA Guidelines Section 21065. The review determined that no modification to HBP CSA 26’s existing sphere of influence, which encompasses the entirety of Orange County, is warranted. (See Attachment E, Notice of Exemption for the HBP CSA 26 SOI review.)

Additionally, staff is recommending that the Commission certify that, based upon the Notices of Exemption, the municipal service review and sphere of influence update will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code and file a *de minimus* statement with California Wildlife, Fish and Game (Attachment F.)

RECOMMENDATIONS

Staff recommends that the Commission:

1. Receive and file the municipal service review/sphere of influence report for the HBP CSA 26 (Attachment A).
2. Find the municipal service review exempt under the statutory exemption of the California Environmental Quality Act (CEQA) Guidelines (§15306) (Attachment D).
3. Find the sphere of influence update exempt under the statutory exemption of the California Environmental Quality Act (CEQA) Guidelines (§21065) (Attachment E).
4. Certify the *De Minimus* Impact Finding statement for California Wildlife, Fish and Game (Attachment F).
5. Adopt the MSR determinations as required by Government Code §56430 (Attachment B).
6. Adopt the resolution (Attachment G) related to HBP CSA 26’s municipal service review.
7. Adopt the resolution (Attachment H) reaffirming HBP CSA 26’s current sphere of influence.

Respectfully submitted,


JOYCE CROSTHWAITE


DANIELLE M. BALL

- Attachment A: MSR-SOI Report for HBP CSA 26
- Attachment B: MSR Determinations (HBP CSA 26)
- Attachment C: SOI Statement of Determinations (HBP CSA 26)
- Attachment D: Notice of Exemption for MSR (HBP CSA 26)
- Attachment E: Notice of Exemption for SOI (HBP CSA 26)
- Attachment F: *De Minimis* Statement of Findings for HBP CSA 26 MSR/SOI Review
- Attachment G: LAFCO Resolution for the HBP CSA 26 MSR
- Attachment H: LAFCO Resolution for the HBP CSA 26 SOI Update



MSR/SOI Report

**Harbors, Beaches, & Parks
County Service Area 26**

February 8, 2006



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EXECUTIVE SUMMARY

The purpose of this report is to provide a comprehensive review of the municipal services provided by Harbors, Beaches, and Parks County Service Area 26.

MSR Summary

As its name implies, Harbors, Beaches, and Parks County Service Area 26, hereafter referred to simply as "HBP CSA 26," is a countywide County Service Area dedicated to the regional recreation facilities and programs administered by the Harbors, Beaches, and Parks Division of the County's Resources and Development Management Department ("RDMD"). Its service territory spans the entirety of Orange County.

HBP CSA 26 is a funding mechanism for the Harbors, Beaches, and Parks regional recreation system. HBP CSA 26 is the successor to the former Orange County Harbors, Beaches, and Parks District, which the Board of Supervisors dissolved in 1988. As such, HBP CSA 26 receives the formula share of countywide property taxes formerly allocated to the district. These funds are specifically used for HBP CSA 26's regional recreation services.

Based on its analysis of HBP CSA 26's structure and service provision, LAFCO staff concurred with RDMD/Harbors, Beaches, and Parks and identified funding as the most critical challenge. Even as HBP's funding has dwindled, demand for park and recreation services continues to increase, as does the public's interest in open space and habitat conservation.

Harbors, Beaches, and Parks CSA 26's operating expenses very closely equal its annual revenues (approximately \$60 million in Fiscal Year 2004-2005) and, as such, HBP must primarily rely on one-time grants, bond revenues, or allocations from the County General Fund for capital improvement projects. HBP has scaled back its capital development programs and largely concentrated on extending the useful life of its existing facilities and infrastructure, much of which was constructed in the 1970s.

HBP recognizes its fiscal constraints and has implemented several cost avoidance measures in recent years, including initiatives that shifted funding responsibilities for non-core business facilities (i.e., those of local rather than regional significance) to other public agencies. The County Executive Office is currently investigating two additional initiatives for shifting some of HBP's funding and operational responsibilities to other public agencies as a means to improve HBP CSA 26's fiscal outlook. Further, HBP has implemented new technology and management practices and creatively leverages privatization, partnering, sponsorship, and volunteerism to conserve revenue.



SOI Summary

Harbors, Beaches, and Parks County Service Area 26 service territory and sphere of influence boundaries are coterminous with the county's boundaries. The Commission first established the HBP CSA 26's sphere of influence on January 18, 1990, and the sphere has not been comprehensively reviewed since.

Staff recommends that the Commission reaffirm HBP CSA 26's current sphere of influence, which is coterminous with the county's boundaries.



INTRODUCTION

Statutory Requirements

In 2000, the State of California Legislature broadened LAFCOs authority by directing the agency to conduct comprehensive reviews of the delivery of municipal services provided in the County and any other area deemed appropriate by the Commission. Additionally, legislators directed LAFCOs to complete sphere of influence reviews and updates of agencies under LAFCO's jurisdiction not less than every five years.

Overview of Municipal Service Review (MSR) Law—Government Code §56430

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that LAFCO review municipal services before updating the spheres of influence and to prepare a written statement of determination with respect to each of the following:

1. Infrastructure needs or deficiencies;
2. Growth and population projections for the affected area;
3. Financing constraints and opportunities;
4. Cost avoidance opportunities;
5. Opportunities for rate restructuring;
6. Opportunities for shared facilities;
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;
8. Evaluation of management efficiencies; and
9. Local accountability and governance.

The MSR process does not require LAFCO to initiate changes of organization based on service review findings; it only requires that LAFCO make determinations regarding the provision of public services per Government Code Section 56430. MSRs are not subject to the provisions of the California Environmental Quality Act (CEQA) because they are only feasibility or planning studies for possible future action that LAFCO has not approved (Cal. Pub. Res. Code § 21150). The ultimate outcome of conducting a service review, however, may result in LAFCO taking discretionary action on a change of organization or reorganization.

Overview of Sphere of Influence (SOI) Law—Government Code §56425

LAFCO is also charged with adopting a sphere of influence for each city and special district within the county. A sphere of influence is a planning boundary that designates



the agency's probable future boundary and service area. Spheres are planning tools used by LAFCO to provide guidance for individual proposals involving jurisdictional changes. Spheres ensure the provision of efficient services while discouraging urban sprawl and the premature conversion of agricultural and open space lands. The Cortese-Knox-Hertzberg (CKH) Act requires LAFCO to develop and determine the sphere of influence of each local governmental agency within the county, and to review and update the SOI every five years. In determining the SOI, LAFCO must address the following:

1. Present and planned land uses in the area, including agricultural and open-space lands;
2. Present and probable need for public facilities and services in the area;
3. Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide; and
4. Existence of any social or economic communities of interest in the area if LAFCO determines that they are relevant to the agency.

Environmental Review

Municipal service reviews (MSR) are subject to the California Environmental Quality Act (CEQA) and LAFCO is the lead agency. The MSR proposal is considered Categorical Exempt from CEQA pursuant to section 15262 of the CEQA guidelines. This section exempts basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource. This type of exemption may be used strictly for information gathering purposes, or as part of a study leading to an action that a public agency (in this case LAFCO) has not yet approved, adopted, or funded. The information gathered for the municipal service review will not have an effect upon an environmental resource.

LAFCO is the lead agency under CEQA for sphere of influence reviews. Staff, in conjunction with legal counsel, reviewed the CEQA guidelines and recommends that the Commission consider the sphere of influence update for Harbors, Beaches, and Parks County Service Area 26 exempt from CEQA under CEQA Local Guidelines 3.01: the sphere review is not an enactment and, therefore, not a project within the definition of "project" contained in CEQA Guidelines Section 21065. The review determined that no modification to HBP CSA 26's existing sphere of influence, which encompasses the entirety of Orange County, is warranted.



AGENCY OVERVIEW

Harbors, Beaches, and Parks County Service Area 26

Origins & History

The origins of Harbors, Beaches, and Parks County Service Area 26 ("HBP CSA 26") can be traced back to 1935, when the Orange County Harbor District formed following a vote by the Orange County electorate approving a bond issuance to fund the redevelopment of Newport Harbor. Under the state's Harbors and Navigation Code, the Orange County Board of Supervisors served as the district's governing board, though the district was a separate legal entity from the County.

In 1963, at the direction of the Board of Supervisors, the Orange County Harbor District assumed administrative responsibility for managing the County's regional parks, a County General Fund responsibility, as well as the local parks located in the unincorporated areas, funded separately through various County Service Areas, or "CSAs." Then, in 1971, following the approval of the state Legislature, the Orange County Harbor District merged with the County Parks Department to form the Harbors, Beaches, and Parks District. Like its predecessor district, the HBP District was a legally separate entity from the County, and HBP remained a separate County department.

The Harbors, Beaches, and Parks District continued for a quarter of a century until June 1988, when, with LAFCO's approval, the Board of Supervisors adopted Resolution No. 88-931 dissolving the district. The County was designated the successor agency to the former district's assets and liabilities. The following year, the Board of Supervisors, again with LAFCO's support, approved the formation of Harbors, Beaches, and Parks County Service Area 26. A County Service Area (CSA) is a special taxing district empowered to provide "enhanced" county/governmental services (parks and recreation, in this case) within a specified boundary. Unlike the Harbors, Beaches, and Parks District, which was a legally separate entity from the County, HBP CSA 26 would be integrated as part of the County. Governed by the provisions of the state Harbors and Navigation Code, HBP CSA 26 would receive the annual dedicated share of countywide property taxes that had previously been allocated to the former HBP District specifically for the County's harbors, beaches, and parks.

Harbors, Beaches, & Parks County Service Area 26 was officially established on January 18, 1990. HBP CSA 26 assumed the assets, liabilities, and obligations of the dissolved Harbors, Beaches, and Parks District. As conditioned in the Board's resolution, such assets were to be used exclusively for the dissolved district's facilities and services.



Harbors, Beaches, and Parks Today

Today, Harbors, Beaches, and Parks (“HBP”) is a division of the County’s Resources and Development Management Department (“RDMD”). HBP operates regional recreational facilities and manages historical and natural resources. It is responsible for a recreational system of nearly 40,000 acres, which includes 32,000 acres comprised of 25 regional parks, 19 county beaches, 6 regional historic sites and parks, and expanded county harbors, as well as 7,000 acres of open space lands and easements buffering many of the parks. The countywide recreational systems benefit Orange County’s more than three million residents as well as the over 10 million annual visitors to HBP facilities.

Orange County Harbors, Beaches, & Parks	
Parks & Historical Sites	
Coastal Facilities	<ul style="list-style-type: none"> ♦ Aliso Beach Park ♦ Capistrano Beach Park ♦ Newport Harbor ♦ Salt Creek Beach Park ♦ Sunset Beach ♦ Sunset-Huntington Harbor ♦ Upper Newport Bay Nature Preserve
Wilderness Parks	<ul style="list-style-type: none"> ♦ Aliso & Woods Canyons Wilderness Park ♦ Caspers Wilderness Park ♦ Laguna Coast Wilderness Park ♦ Thomas F. Riley Wilderness Park ♦ Talbert Nature Preserve ♦ Whiting Ranch Wilderness Park
Historical Parks	<ul style="list-style-type: none"> ♦ Heritage Hill Historical Park ♦ George Key Ranch Historical Park ♦ Arden/Modjeska Historical Home & Garden ♦ Old Orange County Courthouse ♦ Peralta Adobe ♦ Yorba Cemetery
Regional Parks	<ul style="list-style-type: none"> ♦ Arroyo Trabuco ♦ Carbon Canyon Regional Park ♦ Clark Regional Park ♦ Craig Regional Park ♦ Featherly Regional Park ♦ Harriet M. Weider Regional Park ♦ Irvine Regional Park ♦ Laguna Niguel Regional Park ♦ Mason Regional Park ♦ Mile Square Regional Park ♦ O’Neill Regional Park ♦ Orange County Zoo ♦ Peters Canyon Regional Park ♦ Santiago Oaks Regional Park ♦ Yorba Regional Park



REVIEW & ANALYSIS OF SERVICE PROVISION

This section of the report addresses the nine determinations in accordance with Government Code Section 56430. The determinations are statements that draw conclusions, based on data related to agency operations and services, infrastructure, population and growth projections, and fiscal data. The nine municipal service review determinations are interdependent and some of the issues related to each of the nine determinations may overlap.

Growth and Population Projections

In terms of population, Orange County is the second largest county in California and is second in density just behind the County/City of San Francisco. Orange County currently has over three million residents and is expected to grow to 3.5 million people by the year 2020.

As the population grows, there will be a concurrent increase in the demand for the County's parks and recreation resources and programs.

Infrastructure Needs or Deficiencies

This determination addresses the adequacy of existing and planned infrastructure needed to accommodate future growth and the efficient delivery of public services. It refers to the status of existing and planned infrastructure and its relationship to the quality and levels of service provided.

Harbors, Beaches, and Parks CSA 26's current annual revenues, approximately \$60 million derived primarily from property taxes, user fees, and rent/concessions, are nearly equal to the HBP's annual operating costs. As such, significant capital improvement projects (e.g., expansion or major rehabilitation of existing facilities and infrastructure, much of which was constructed in the 1970s) are chiefly dependent upon one-time grants, bond revenues, or allocations from the



HBP's Laguna Coast Wilderness Park



County General Fund. As a result, HBP has scaled back its capital development programs and largely concentrated on extending the useful life of its existing facilities and infrastructure.

Financing Constraints & Opportunities

RDMD/Harbors, Beaches, and Parks has identified funding as its most critical challenge. As stated previously, HBP's operating expenses very closely equal HBP CSA 26's annual revenues. Since 1992, the HBP CSA 26 Fund has had a cumulative reduction in its property tax allocation in excess of \$130 million due primarily to two separate property tax shifts approved by the state Legislature. Rapidly increasing costs related to capital improvement projects (i.e., materials, labor, permitting, etc.) further exacerbates HBP's funding challenges, particularly because many HBP projects are located in environmentally sensitive habitats, including canyon and coastal regions.

HBP – Revenues vs. Expenses (FY 2004- 2005)			
REVENUES:			
General Revenue: (property taxes, tax relief, interest earnings)	\$		37,522,974
Program/Service Revenue: (park & rec fees, rents and concessions)	\$		8,416,044
Other Revenue: (operating revenue sources, capital projects revenue offset)	\$		14,285,861
TOTAL REVENUE:	\$		60,224,852
EXPENSES:			
Services & Supplies:	\$		29,072,911
Employee Salaries/Benefits:	\$		19,303,639
Fixed Assets:	\$		4,624,742
Other Expenses: (materials and services, facilities, depreciation)	\$		2,323,439
TOTAL EXPENSES:	\$		55,324,731
TOTAL REVENUE:	\$		60,224,852
TOTAL EXPENSES:	\$		55,324,731
FY 2004-2005 SURPLUS:	\$		4,900,121
SOURCE: Actual revenues and expenses for FY 2004-2005, provided by HBP			

Even as HBP's funding has dwindled, demand for park and recreation services continues to increase, as does the public's interest in open space and habitat conservation. HBP CSA 26 Fund's 5-Year Capital Program is part of the County's Strategic Financial Plan. Recognizing the critical need for certain significant capital



improvement projects, the Board of Supervisors in 2005 allocated almost \$12 million to the HBP CSA 26 Fund and committed another \$2 million/year for the following four years. This action represented the first time that HBP has received additional financial support from the County General Fund.

Even with County support, HBP's fiscal condition remains strained. As such, HBP has implemented several initiatives that shifted funding responsibilities for non-core business facilities (i.e., those of local rather than regional significance) to other public agencies in recent years, including Centennial Park/Santa Ana, Ladera Sports Park/Ladera Ranch Maintenance Corporation, and the Buck Gully area of Laguna Coast Wilderness Park/Newport Beach. These shifts have saved the HBP CSA 26 Fund over \$700,000 annually. Further, the County Executive Office is in the process of investigating two additional initiatives for shifting funding and operational responsibilities for non-core business facilities:

1. Harbor Patrol – At the direction of the Board of Supervisors, the County Executive Office is leading an analysis of alternate funding for harbor patrol costs (approximately \$10.5 million annually).
2. Upper Newport Bay & Newport Harbor – The County Executive Office and City of Newport Beach are examining the recreational and natural resource protection services provided by HBP to determine the feasibility of transferring operational and funding responsibilities to the city.



HBP's Carbon Canyon Regional Park

The investigation and analysis of these two fund shifting initiatives is ongoing. In the meantime, HBP lacks the financial resources to fund new or currently unknown/unbudgeted/ unanticipated projects or programs. Given its fiscal condition, HBP may resort to specific cost saving measures if presented with an urgent capital project. These include the closure of select facilities, reduction in operating hours, and/or the reduction or elimination of certain programs and services.

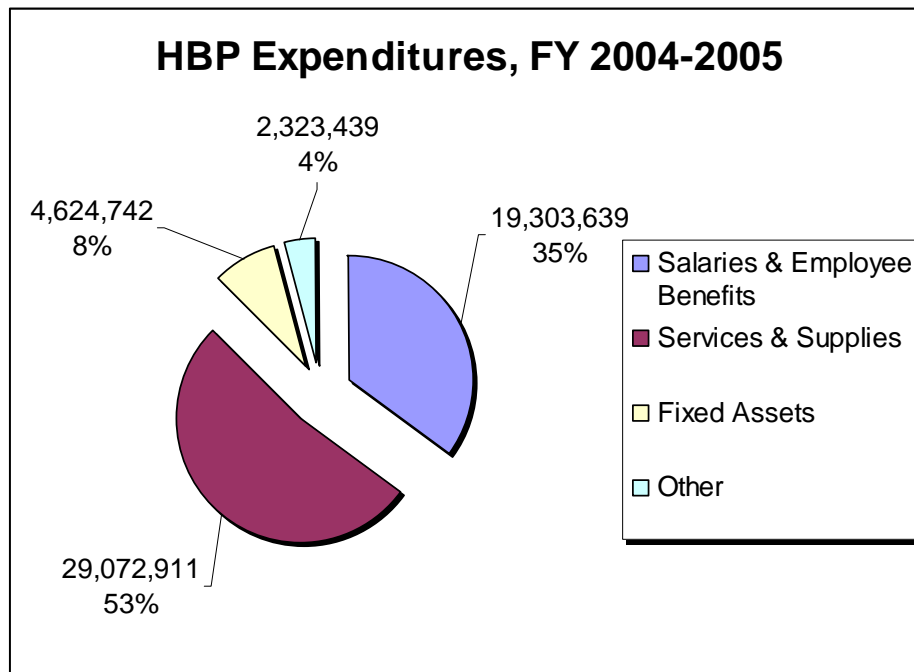


Evaluation of Management Efficiencies

RDMD/Harbors, Beaches, and Parks' expenditures appear to be based on efficient methods of operation. The majority of costs associated with HBP's operation and service provision are related to services and supplies. HBP expended approximately \$29 million on services and supplies during FY 2004-2005, which included professional/specialized services, harbor patrol, minor maintenance projects, and lifeguard services.

HBP's second most significant expenditure was allocated to staff salaries and benefits. HBP is staffed by 249 positions, which includes those employed specifically for the HBP program and support from other RDMD service divisions. HBP employs seasonal help as needed to supplement core staffing while minimizing costs. It tries to keep employee overtime to a minimum, reserving it primarily to accommodate holiday park attendance and emergency response (e.g., weather, fire, pollution spills, etc.).

HBP Expenditures by Category, FY 2004-2005



Cost Avoidance / Opportunities for Shared Facilities

While these are two separate determinations, cost avoidance and facilities sharing are inter-related, as sharing facilities is often a cost avoidance tactic.

As described previously, the Orange County CEO's office is in the process of investigating two initiatives for shifting funding and operational responsibilities on behalf of Harbors, Beaches, and Parks – one related to alternative funding for the



Harbor Patrol and the other to determine the feasibility of transferring operational and funding responsibilities for Upper Newport Bay & Newport Harbor to the City of Newport Beach. The investigation and analysis of these two initiatives is ongoing.

Further, HBP has implemented several cost containment measures, including new technology and management practices such as the use of an integrated phone network, installation of a computer operated irrigation system, development of standard plans for facility design and construction, and the restructuring of staff duties and supervisory assignments.

Other cost avoidance mechanisms employed by HBP are detailed in the following table:

Orange County Harbors, Beaches, & Parks Parks & Historical Sites	
<i>Privatization</i>	<ul style="list-style-type: none">♦ HBP turned Featherly Regional Park campground into a private lease business, saving the HBP CSA 26 Fund \$700,000 annually.♦ Land leasing program yields \$4 million/year in lease rent revenues. Major leases include four golf courses, two equestrian stables, two recreational vehicle camping parks, several harbor marinas, and restaurants/food concessions.♦ HBP has expanded the scope of landscape maintenance contracts to include irrigation system repairs by outside contractors, saving the HBP CSA 26 Fund \$100,000 annually.
<i>Partnering</i>	<ul style="list-style-type: none">♦ Portions of HBP properties are utilized by the Cities of Anaheim, Fountain Valley, San Clemente, and Yorba Linda for the cities' local park and rec programs.♦ HBP enables organizations such as the Boy Scouts of America, Orange Coast College, OC Natural History Association, and Trails4All rent-free use of some of its properties and facilities as a means to promote recreational services.
<i>Sponsorships</i>	<ul style="list-style-type: none">♦ HBP administers an Adopt-a-Park Program, which enables companies and private donors to contribute to the improvement of HBP's facilities, parks, and programs.♦ HBP offers marketing opportunities to companies by allowing them to advertise on HBP vehicles and beach trash containers for a fee.
<i>Volunteerism</i>	<ul style="list-style-type: none">♦ HBP's Park Ranger Reserves Program trains volunteers as park rangers who in turn donate a minimum of 16 hours of work per month at HBP facilities.



Opportunities for Rate Restructuring

RDMD/Harbors, Beaches, and Parks' primary source of revenue is property taxes generated through HBP CSA 26. Property tax revenue accounted for more than \$36 million of HBP's \$60 million in revenue in Fiscal Year 2004-2005. HBP's second major source of revenue comes from park and recreation fees and rents and concessions, which collectively generated more than \$8 million in FY 2004-2005.

The Board of Supervisors sets HBP's fee schedule. Fees are comprehensively reviewed and updated every five to eight years with selective modifications being implemented



HBP's Clark Regional Park

in intervening years. The most recent fee schedule became effective on July 1, 2004. Prior to that, the fee schedule had not been comprehensively updated since 1996.

It is important to note that HBP bases its fees on the competitive market (i.e., what are similarly sized public agencies charging?). Operational costs far exceed entry, camping, and reservation fees. While the Board of Supervisors has the authority to raise fees, it is not reasonable that the Board

could institute a fee schedule that more than slightly defrays HBP's operational costs.

Government Structure Options

Harbors, Beaches, and Parks is an organizational division of Orange County's Resources and Development Management Department. The tax revenue generated by HBP CSA 26 is allocated solely to RDMD/Harbors, Beaches, and Parks. There is no possibility of HBP CSA 26 merging or reorganizing with any other public entity.

Local Accountability & Governance

As stated previously, Harbors, Beaches, and Parks is an organizational division of the County's Resources and Development Management Department. The Orange County Board of Supervisors (BOS) governs HBP CSA 26. The BOS established the Harbors, Beaches and Parks Commission by authority of Section 5902 of Harbor and Navigation Code in the 1970s, long before it transformed the Harbors, Beaches, and Parks District into a CSA.



The Commission convenes at the Muth Interpretive Center, Upper Newport Bay Nature Reserve on the first Thursday of each month at 7:00 p.m. The Commission additionally holds two to three Saturday field trips to selected recreation facilities each year. Commissioners receive \$75 per meeting and field trip (not to exceed two in any given month), plus mileage from home to the meeting location.

The screenshot shows the OC Parks website with a green header and navigation bar. The main content area features a large banner image of a person on a bench. Below the banner, there are several sections: 'In The News' with a link to 'New Parks...', 'Quick Links' with links to 'What's New', 'Parks & Recreation', 'Regional Parks', 'Wilderness Parks', and 'Parks & Recreation', 'New Parks' with a link to 'New Parks...', 'Parks & Recreation', 'Regional Parks', 'Wilderness Parks', and 'Parks & Recreation', and 'Parks & Recreation' with a link to 'Parks & Recreation'. The website is displayed in a web browser window with the address bar showing 'http://www.ocparks.com/'.

OC HBP's Website – www.ocparks.com



THE NINE DETERMINATIONS

Growth and Population Projections

As Orange County's population grows by nearly a half-million people by 2020, there will be increased demand on the County's parks and recreation resources, facilities, and programs.

Infrastructure Needs or Deficiencies

RDMD/Harbors, Beaches, and Parks has scaled back its capital development programs and largely concentrated on extending the useful life of its existing facilities and infrastructure due to budget constraints. HBP's significant capital improvement projects (e.g., expansion or major rehabilitation of existing facilities and infrastructure, much of which was constructed in the 1970s) are chiefly dependent upon one-time grants, bond revenues, or allocations from the County General Fund.

Financing Constraints & Opportunities

RDMD/Harbors, Beaches, and Parks has identified funding as its most critical challenge. Even as HBP's funding has dwindled, demand for park and recreation services continues to increase, as does the public's interest in open space and habitat conservation. HBP CSA 26's operating expenses very closely equal its annual operating revenues and, as such, HBP must rely primarily on one-time grants, bond revenues, or allocations from the County General Fund for capital improvement projects.

Cost Avoidance Opportunities

RDMD/Harbors, Beaches, and Parks has implemented several initiatives for shifting funding and operational responsibilities of non-core business facilities (i.e., those of local rather than regional significance) to other public agencies, and the County Executive Office is investigating two similar initiatives at the current time on behalf of HBP. Further, HBP has implemented several cost containment measures, including new technology and management practices, and creatively leverages privatization, partnering, sponsorship, and volunteerism to conserve revenue.

Opportunities for Rate Restructuring

RDMD/Harbors, Beaches, and Parks bases its fees on the competitive market. Operational costs far exceed entry fees. While the Board of Supervisors has the authority to raise fees, it is not reasonable that the Board could institute a fee schedule that more than slightly defrays HBP's operational costs.



Opportunities for Shared Facilities

RDMD/Harbors, Beaches, and Parks shares staff and facilities and utilizes outside contractors and vendors when shown to be cost effective.

Government Structure Options

Harbors, Beaches, and Parks is an organizational division of Orange County's Resources and Development Management Department. The tax revenue generated by HBP CSA 26 is allocated solely to Harbors, Beaches, and Parks. There is no possibility of HBP CSA 26 merging or reorganizing with any other public entity.

Evaluation of Management Efficiencies

RDMD/Harbors, Beaches, and Parks' expenditures, the majority of which are allocated to facilities operations and maintenance, appear to be based on efficient methods of operation. LAFCO staff did not identify any issues related to the RDMD/HBP's management efficiencies.

Local Accountability & Governance

Orange County Harbors, Beaches, and Parks is an organizational division of the County's Resources and Development Management Department. The Orange County Board of Supervisors (BOS) governs HBP CSA 26. Additionally, the BOS established Harbors, Beaches and Parks Commission in the 1970s. The seven-member appointed Commission meets monthly and serves in an advisory capacity to the Board of Supervisors and Director of RDMD.

Further, HBP maintains a public website at www.ocparks.com, which features easily accessible information about HBP's parks and beaches, programs, and events, etc.



SPHERE OF INFLUENCE UPDATE

Government Code Section 56425 identifies the following factors that should be considered by LAFCO when determining an agency's sphere of influence:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The Commission first established the Harbors, Beaches, and Parks County Service Area 26's sphere of influence on January 18, 1990. The sphere has not been comprehensively reviewed since its inception. HBP CSA 26's service and sphere boundaries are coterminous, or identical, to the county's boundaries.

The statement of determinations that follows is based on the analysis of HBP CSA 26's municipal service provision, which precedes this section of the report.

Recommendations

Staff recommends that the Commission re-affirm the Harbors, Beaches, and Parks County Service Area 26's current sphere of influence.



HBP CSA 26 Map





STATEMENT OF DETERMINATIONS – HBP CSA 26

The present and planned land uses in the area, including agricultural and open-space lands

Harbors, Beaches, and Parks County Service Area 26's service territory includes all of Orange County. Its boundaries are contiguous with those of the county. Land use throughout the county is varied and includes residential (single- and multi-family), commercial, industrial, public/semi-public, park and recreation, and open space.

The present and probable need for public facilities and services in the area

As Orange County's population grows by nearly a half-million people by 2020, there will be increased demand on the County's parks and recreation resources, facilities, and programs.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

The Harbors, Beaches, and Parks County Service Area 26 has adequate capacity and facilities to provide regional recreation services to county residents. Funding, however, is constrained.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

There is a general community of interest countywide that the public have access to adequate park and recreation services. Harbors, Beaches, and Parks County Service Area 26's sphere of influence is coterminous with the county's boundaries, as is the HBP CSA 26's service territory. RDMD and its Harbors, Beaches, and Parks Division has displayed the ability to provide a wide variety park and recreation services and programs and appears capable of continuing to do so for the foreseeable future.

THE NINE MSR DETERMINATIONS – Harbors, Beaches, and Parks County Service Area 26

Growth and Population Projections

As Orange County's population grows by nearly a half-million people by 2020, there will be increased demand on the County's parks and recreation resources, facilities, and programs.

Infrastructure Needs or Deficiencies

RDMD/Harbors, Beaches, and Parks has scaled back its capital development programs and largely concentrated on extending the useful life of its existing facilities and infrastructure due to budget constraints. HBP's significant capital improvement projects (e.g., expansion or major rehabilitation of existing facilities and infrastructure, much of which was constructed in the 1970s) are chiefly dependent upon one-time grants, bond revenues, or allocations from the County General Fund.

Financing Constraints & Opportunities

RDMD/Harbors, Beaches, and Parks has identified funding as its most critical challenge. Even as HBP's funding has dwindled, demand for park and recreation services continues to increase, as does the public's interest in open space and habitat conservation. HBP CSA 26's operating expenses very closely equal its annual operating revenues and, as such, HBP must rely primarily on one-time grants, bond revenues, or allocations from the County General Fund for capital improvement projects.

Cost Avoidance Opportunities

RDMD/Harbors, Beaches, and Parks has implemented several initiatives for shifting funding and operational responsibilities of non-core business facilities (i.e., those of local rather than regional significance) to other public agencies, and the County Executive Office is investigating two similar initiatives at the current time on behalf of HBP. Further, HBP has implemented several cost containment measures, including new technology and management practices, and creatively leverages privatization, partnering, sponsorship, and volunteerism to conserve revenue.

Opportunities for Rate Restructuring

RDMD/Harbors, Beaches, and Parks bases its fees on the competitive market. Operational costs far exceed entry fees. While the Board of Supervisors has the authority to raise fees, it is not reasonable that the Board could institute a fee schedule that more than slightly defrays HBP's operational costs.

Opportunities for Shared Facilities

RDMD/Harbors, Beaches, and Parks shares staff and facilities and utilizes outside contractors and vendors when shown to be cost effective.

Government Structure Options

Harbors, Beaches, and Parks is an organizational division of Orange County's Resources and Development Management Department. The tax revenue generated by HBP CSA 26 is allocated solely to Harbors, Beaches, and Parks. There is no possibility of HBP CSA 26 merging or reorganizing with any other public entity.

Evaluation of Management Efficiencies

RDMD/Harbors, Beaches, and Parks' expenditures, the majority of which are allocated to facilities operations and maintenance, appear to be based on efficient methods of operation. LAFCO staff did not identify any issues related to the RDMD/HBP's management efficiencies.

Local Accountability & Governance

Orange County Harbors, Beaches, and Parks is an organizational division of the County's Resources and Development Management Department. The Orange County Board of Supervisors (BOS) governs HBP CSA 26. Additionally, the BOS established Harbors, Beaches and Parks Commission in the 1970s. The seven-member appointed Commission meets monthly and serves in an advisory capacity to the Board of Supervisors and Director of RDMD.

Further, HBP maintains a public website at www.ocparks.com, which features easily accessible information about HBP's parks and beaches, programs, and events, etc.

STATEMENT OF DETERMINATIONS – Harbors, Beaches, and Parks County Service Area 26

The present and planned land uses in the area, including agricultural and open-space lands

Harbors, Beaches, and Parks County Service Area 26's service territory includes all of Orange County. Its boundaries are contiguous with those of the county. Land use throughout the county is varied and includes residential (single- and multi-family), commercial, industrial, public/semi-public, park and recreation, and open space.

The present and probable need for public facilities and services in the area

As Orange County's population grows by nearly a half-million people by 2020, there will be increased demand on the County's parks and recreation resources, facilities, and programs.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

The Harbors, Beaches, and Parks County Service Area 26 has adequate capacity and facilities to provide regional recreation services to county residents. Funding, however, is constrained.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

There is a general community of interest countywide that the public have access to adequate park and recreation services. Harbors, Beaches, and Parks County Service Area 26's sphere of influence is coterminous with the county's boundaries, as is the HBP CSA 26's service territory. RDMD and its Harbors, Beaches, and Parks Division has displayed the ability to provide a wide variety park and recreation services and programs and appears capable of continuing to do so for the foreseeable future.



February 8, 2006

NOTICE OF EXEMPTION

TO: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Orange County Local Agency
Formation Commission (LAFCO)
12 Civic Center Plaza, Room 235
Santa Ana, CA 92701

_____ County Clerk
County of Orange
12 Civic Center Plaza, Room 106
Santa Ana, CA 92701

Project Title: "Harbors, Beaches, and Parks County Service Area 26 Municipal Service Review"
(MSR 05-49)

Project Location -- Specific: The project area includes the entirety of Orange County, California, as Harbors, Beaches, and Parks County Service Area 26's sphere of influence boundaries and service territory spans the entire county, some 798 square miles, encompassing all 34 cities and the county's unincorporated areas.

Project Location - City: N/A

Project Location - County: Orange

Description of Nature, Purpose, and Beneficiaries of Project: In accordance with Government Code Section 56430, LAFCO is required to conduct regional studies on future growth and make written determinations about municipal services and how local agencies are planning for future growth within our municipal services and infrastructure systems. In conjunction with the municipal service reviews, LAFCO is required to update spheres of influence for the public agencies in the project area in accordance with Government Code Section 56425.

Name of Public Agency Approving Project: Orange County Local Agency Formation Commission (LAFCO), 12 Civic Center Plaza, Rm. 235, Santa Ana, CA 92701 - Joyce Crosthwaite, Executive Officer, (714) 834-2556

Name of Agency Carrying Out Project: Orange County Local Agency Formation Commission (LAFCO), 12 Civic Center Plaza, Rm. 235, Santa Ana, CA 92701 - Joyce Crosthwaite, Executive Officer, (714) 834-2556

Exempt Status: *(check one)*

Statutory Exemptions

- ☐ Ministerial Projects (Sec. 21080(b)(1); 15268, 15369)
- ☐ Not a Project (Sec. 21065)
- ☐ Emergency Projects (Sec. 21080(b)(2), (3), (4); 15269)
- ☐ Rejected or Disapproved Projects (Sec. 21080(b)(5); 15270)
- ☐ Setting of Certain Rates, Tolls, Fares, or Charges (Sec. 21080(b)(8); 15273)
- ☒ Feasibility or planning studies for possible future actions that the agency has not approved, adopted, or funded

Reasons why project is exempt: The project is a planning study for potential actions involving the area described in "Project Description."

Lead Agency Contact Person: Danielle M. Ball, Communications Analyst
LAFCO
12 Civic Center Plaza, Rm. 235
Santa Ana, CA 92701
(714) 834-6212

Signature: _____
Joyce Crosthwaite, Executive Officer

Date: _____



February 8, 2006

NOTICE OF EXEMPTION

TO: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Orange County Local Agency
Formation Commission (LAFCO)
12 Civic Center Plaza, Room 235
Santa Ana, CA 92701

_____ County Clerk
County of Orange
12 Civic Center Plaza, Room 103?
Santa Ana, CA 92701

Project Title: "Harbors, Beaches, and Parks County Service Area 26 Sphere of Influence Update" (SOI 05-63)

Project Location -- Specific: The project area includes the entirety of Orange County, California, as Harbors, Beaches, and Parks County Service Area 26's sphere of influence boundaries and service territory spans the entire county, some 798 square miles, encompassing all 34 cities and the county's unincorporated areas.

Project Location - City: N/A

Project Location - County: Orange

Description of Nature, Purpose, and Beneficiaries of Project: In accordance with Government Code Section 56430, LAFCO is required to conduct regional studies on future growth and make written determinations about municipal services and how local agencies are planning for future growth within our municipal services and infrastructure systems. In conjunction with the municipal service reviews, LAFCO is required to update spheres of influence for the public agencies in the project area in accordance with Government Code Section 56425.

Name of Public Agency Approving Project: Orange County Local Agency Formation Commission (LAFCO), 12 Civic Center Plaza, Rm. 235, Santa Ana, CA 92701 - Joyce Crosthwaite, Executive Officer, (714) 834-2556

Name of Agency Carrying Out Project: Orange County Local Agency Formation Commission (LAFCO), 12 Civic Center Plaza, Rm. 235, Santa Ana, CA 92701 - Joyce Crosthwaite, Executive Officer, (714) 834-2556

Exempt Status: *(check one)*

Statutory Exemptions

- ☐ Ministerial Projects (Sec. 21080(b)(1); 15268, 15369)
- ☒ Not a Project (Sec. 21065)
- ☐ Emergency Projects (Sec. 21080(b)(2), (3), (4); 15269)
- ☐ Rejected or Disapproved Projects (Sec. 21080(b)(5); 15270)
- ☐ Setting of Certain Rates, Tolls, Fares, or Charges (Sec. 21080(b)(8); 15273)
- ☐ Feasibility or planning studies for possible future actions that the agency has not approved, adopted, or funded

Reasons why project is exempt: The project is not a project under the CEQA definition of project. The act of reviewing and reaffirming an existing sphere involving the area described in "Project Description" is not considered an enactment and therefore is not a project.

Lead Agency Contact Person: Danielle M. Ball, Communications Analyst
LAFCO
12 Civic Center Plaza, Rm. 235
Santa Ana, CA 92701
(714) 834-2556

Signature: _____
Joyce Crosthwaite, Executive Officer

Date: _____

De Minimus Impact Finding

Project Title: Harbors, Beaches, and Parks County Service Area 26 Municipal Service Review and Sphere of Influence Update (MSR 05-62 & SOI 05-63)

Findings of Exemption:

Orange County LAFCO reviewed the CEQA guidelines and recommends that the Commission consider municipal service review determinations exempt from CEQA under CEQA Guidelines §15262, Feasibility and Planning Studies and determined spheres of influence updates with no recommended change to be exempt from CEQA as not a project under CEQA Guidelines §21065.

LAFCO further finds that: (1) The Statutory Exemption evaluated the effects of the project on wildlife resources, if any. (2) There is no evidence before the Commission that the municipal service review study and sphere of influence update will have any potential or adverse effect on wildlife resources. (3) The municipal service review or sphere update will not result in any changes to the following resources: (A) Riparian land, rivers, streams, watercourses and wetlands; (B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife; (C) Rare and unique plant life and ecological communities dependant on plant life; (D) Listed threatened and endangered plants and animals and the habitat in which they are believed to reside; (E) All species listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code or regulations adopted thereunder; (F) All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside; and (G) All air and water resources, the degradation of which will individually or cumulatively result in the loss of biological diversity among the plants and animals residing in the air and water.

Certification: I hereby certify that Orange County LAFCO has made the above finding(s) of fact and based upon the Notice of Exemption issued by LAFCO, the municipal service review or sphere of influence update will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Joyce Crosthwaite

Executive Officer

Date: February 8, 2006

MSR 05-62

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF ORANGE COUNTY, CALIFORNIA
MAKING DETERMINATIONS AND APPROVING THE
MUNICIPAL SERVICE REVIEW FOR THE
HARBORS, BEACHES, AND PARKS COUNTY SERVICE AREA 26**

February 8, 2006

On motion of Commissioner _____, duly seconded and carried, the following resolution was adopted:

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission ("LAFCO") adopt spheres of influence for all agencies in its jurisdiction and to update those spheres every five years; and

WHEREAS, the sphere of influence is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and

WHEREAS, proceedings for adoption, update and amendment of a sphere of influence are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

WHEREAS, California Government Code Section 56430 requires that in order to prepare and to update spheres of influence the Commission shall conduct municipal service reviews prior to or in conjunction with action to update or adopt a sphere of influence; and

WHEREAS, the Orange County LAFCO staff has prepared a report for the municipal service review (MSR 05-62) and an accompanying sphere of influence update (SOI 05-63) for Harbors, Beaches, and Parks County Service Area 26, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the report for the municipal service review for Harbors, Beaches, and Parks County Service Area 26 (MSR 05-62) contains statements of determination as required by California Government Code Section 56430 for the municipal services provided by the district; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56427, set February 8, 2006 as the hearing date on this municipal service review proposal and gave the required notice of public hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56428, has reviewed this proposal and prepared a report, including her recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the proposal consists of a municipal service review for Harbors, Beaches, and Parks County Service Area 26; and

WHEREAS, this Commission called for and held a public hearing on the proposal on February 8, 2006, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56841; and

WHEREAS, pursuant to the California Environmental Quality Act, the municipal service review for Harbors, Beaches, and Parks County Service Area 26 was determined to be exempt from CEQA under State CEQA Guidelines §15262, Feasibility and Planning Studies.

WHEREAS, LAFCO certified that based upon the Notice of Exemption, the municipal service review will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Environmental Actions:

- a) The municipal service review for Harbors, Beaches, and Parks County Service Area 26 (MSR 05-62) together with the written statement of determination, are determined to be exempt from the California

Environmental Quality Act (CEQA) under State CEQA Guidelines §15262, Feasibility and Planning Studies.

- b) The Commission directs the Executive Officer to file a Notices of Exemption as the lead agency under Section 15062.
- c) The municipal service review will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- d) The Commission directs the Executive Officer to file a *de minimus* statement with California Wildlife, Fish and Game.

Section 2. Determinations

- a) The Commission accepts the report for the municipal service review for Harbors, Beaches, and Parks County Service Area 26 (MSR 05-62) as presented to the Commission on February 8, 2006.
- b) The Executive Officer's staff report and recommendation for approval of the municipal service review for Harbors, Beaches, and Parks County Service Area 26, dated February 8, 2006, are hereby adopted.
- b) The Commission has adopted the accompanying Statement of Determinations for Harbors, Beaches, and Parks County Service Area 26, shown as "Exhibit A."

Section 3. This review is assigned the following distinctive short-form designation: "Municipal Service Review for Harbors, Beaches, and Parks County Service Area 26" (MSR 05-62).

Section 4. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code.

AYES: COMMISSIONERS _____

NOES: _____

STATE OF CALIFORNIA)
) SS.

COUNTY OF ORANGE)

I, SUSAN WILSON, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 8th day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February, 2006.

SUSAN WILSON
Chair of the Orange County
Local Agency Formation Commission

By: _____
Susan Wilson

SOI 05-63

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF ORANGE COUNTY, CALIFORNIA
MAKING DETERMINATIONS AND APPROVING THE
SPHERE OF INFLUENCE FOR THE
HARBORS, BEACHES, AND PARKS COUNTY SERVICE AREA 26**

February 8, 2006

On motion of Commissioner _____, duly seconded and carried, the following resolution was adopted:

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission (“LAFCO”) adopt spheres of influence for all agencies in its jurisdiction and to update those spheres every five years; and

WHEREAS, the sphere of influence is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and

WHEREAS, proceedings for adoption, update and amendment of a sphere of influence are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

WHEREAS, California Government Code Section 56430 requires that in order to prepare and to update spheres of influence the Commission shall conduct municipal service reviews prior to or in conjunction with action to update or adopt a sphere of influence; and

WHEREAS, the Orange County LAFCO staff has prepared a report for the municipal service review (MSR 05-62), as an accompanying report to the sphere of influence update for Harbors, Beaches, and Parks County Service Area 26 (SOI 05-63) and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the report for the sphere of influence update for Harbors, Beaches, and Parks County Service Area 26 (SOI 05-63) contains statements of determination as required by California Government Code Section 56430 for the municipal services provided by the district; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56427, set February 8, 2006 as the hearing date on this sphere of influence study proposal and gave the required notice of public hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56428, has reviewed this proposal and prepared a report, including her recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the proposal consists of the designation of a sphere of influence for Harbors, Beaches, and Parks County Service Area 26; and

WHEREAS, this Commission called for and held a public hearing on the proposal on February 8, 2006, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56841; and

WHEREAS, pursuant to the California Environmental Quality Act, the sphere of influence update for Harbors, Beaches, and Parks County Service Area 26 was determined to be exempt from CEQA as not a project under State CEQA Guidelines §21065.

WHEREAS, LAFCO certified that based upon the Notice of Exemption, the sphere of influence update will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Environmental Actions:

- a) Reaffirming the sphere of influence for Harbors, Beaches, and Parks County Service Area 26 (SOI 05-63) is determined to be exempt from the California Environmental Quality Act (CEQA) as not a project under State CEQA Guidelines §21065.

- b) The Commission directs the Executive Officer to file a Notice of Exemption as the lead agency under Section 15062.
- c) The sphere of influence update will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- d) The Commission directs the Executive Officer to file a *de minimus* statement with California Wildlife, Fish and Game.

Section 2. Determinations

- a) The Commission accepts the report for the sphere of influence update for Harbors, Beaches, and Parks County Service Area 26 (SOI 05-63) as presented to the Commission on February 8, 2006.
- b) The Executive Officer's staff report and recommendation for approval of the sphere of influence update of Harbors, Beaches, and Parks County Service Area 26, dated February 8, 2006, are hereby adopted.
- b) The Commission has adopted the accompanying Statement of Determinations for Harbors, Beaches, and Parks County Service Area 26, shown as "Exhibit A."
- c) The Commission has reaffirmed Harbors, Beaches, and Parks County Service Area 26's previous sphere of influence as shown on the attached map labeled "Exhibit B."

Section 3. This review is assigned the following distinctive short-form designation: "Sphere of Influence Update for Harbors, Beaches, and Parks County Service Area 26" (SOI 05-63).

Section 4. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code.

AYES: COMMISSIONERS _____

NOES: _____

STATE OF CALIFORNIA)
) SS.

COUNTY OF ORANGE)

I, SUSAN WILSON, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 8th day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February, 2006.

SUSAN WILSON
Chair of the Orange County
Local Agency Formation Commission

By: _____
Susan Wilson